

22 TAC §76.4. Duty to Maintain and Store Patient Records

- (a) A licensee or other person shall maintain the record of a patient's treatment or service for a minimum of six years from the date of that treatment or service.
- (b) If a patient was younger than age 18 when the patient last received treatment or service, a licensee or other person shall maintain a patient's records until a patient reaches age 21 or for six years from the date of last treatment or service, whichever is longer.
- (c) If another federal or state law or rule, or business agreement requires a patient record to be maintained for a time longer than in subsections (a) and (b) of this section, a licensee or other person shall comply with that law, rule, or business agreement.
- (d) A licensee or other person shall maintain a patient record relating to a civil, criminal, or administrative proceeding until the proceeding is finally resolved.
- (e) A licensee or other person shall ensure patient records are securely stored to protect a patient's privacy.
- (f) If a licensee establishes a doctor-patient relationship solely due to a licensee's employment by or contract for services with another person, a licensee's duty to maintain patient records created during the employment or contract ceases when the licensee's employment or contract ends.
- (g) If a licensee establishes a doctor-patient relationship solely due to a licensee's participation in a partnership with another person, a licensee's duty to maintain patient records created during the partnership ceases when the licensee's participation in the partnership ends and the remaining partners continue the partnership.
- (h) If a partnership in which a licensee is a partner dissolves, each licensee and person in the partnership is individually and jointly responsible for the maintenance of patient records unless a licensee or other person assumes that duty by written agreement.
- (i) A licensee or other person shall reasonably notify a patient when the duty for maintaining patient records will change.
- (j) A licensee or other person who violates this section is subject to disciplinary action.
- (k) A licensee closing a practice shall comply with all Board rules relating to the storage and maintenance of patient records.